

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 4:21-cr-463-RWS-1
	)	
DAVID LEE NELSON,	)	
	)	
Defendant.	)	

**UNOPPOSED MOTION TO CONTINUE CHANGE OF PLEA HEARING**

COMES NOW Defendant, David Lee Nelson, by and through counsel, and hereby moves this Court to continue the change of plea hearing set for October 26 for 30 days. In support of this motion, Defendant states as follows:

1. The parties have negotiated a plea agreement.
2. Defendant has received the agreement, read the agreement, and discussed it with counsel.
3. Among the provisions in the agreement is a forfeiture provision.
4. This provision relates to more than 26 digital devices.
5. The parties have yet to determine which devices the government can forfeit and which devices must be returned to Defendant because they were not used to commit the offense and do not constitute proceeds of the offense.
6. The FBI forensic expert assigned to the case is presently in the Balkans and has been there for the past 50-plus days.
7. As a result, the FBI has not had an agent available to assist Defendant's expert in an examination of the 26 devices.

8. The government is presently trying to locate an agent who can assist in this matter and hopes to make an agent available within the next 14 days.
9. Additional time is thus necessary to provide “defendant with the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv).
10. Defendant, through counsel, has discussed this matter with Assistant United States Attorney Matthew Drake.
11. Mr. Drake does not object to Defendant’s request.
12. Defendant has attached to this motion a signed waiver of his rights under 18 U.S.C. § 3161 et seq.

WHEREFORE, Defendant respectfully requests this Court continue the change of plea hearing set for October 26 for 30 days.

Respectfully submitted,

By: */s/ Adam Fein*

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### **CERTIFICATE OF SERVICE**

I hereby certify that on September 24, 2023 the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court’s electronic filing system upon Mr. Matthew Drake, Assistant United States Attorney.

